

REMARKS

Applicants submit this Amendment After in reply to the final Office Action mailed March 7, 2005.

By this Amendment After Final, Applicants propose to cancel claim 16, without prejudice or disclaimer, amend independent claim 13, and add new dependent claims 17 and 18. The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claim 13 and new claims 17 and 18. No new matter is introduced. Claim 13 is the sole independent claim.

Before entry of this Amendment After Final, claims 13-16 were pending in this application. After entry of this Amendment After Final, claims 13-15 and 17-18 are pending in this application.

On pages 2-6 of the final Office Action, claims 13, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,868,848 to Tsukamoto ("Tsukamoto") in view of U.S. Patent No. 5,411,624 to Hirano et al. ("Hirano"); claims 13, 15, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tsukamoto in view of U.S. Patent No. 5,748,434 to Rossman et al. ("Rossman"); and claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tsukamoto in view of Hirano or Rossman and in further view of U.S. Patent No. 5,919,332 to Koshiishi et al. ("Koshiishi"). Applicants respectfully traverse these rejections.

None of the cited references, either individually or in combination, disclose the claimed invention. For example, claim 13 recites a "plasma processing apparatus that performs plasma processing on a workpiece placed on an electrode provided inside a

processing chamber” including, among other aspects, “a means for pressure application that applies a pressure to said electrically conductive ring body toward said electrode and is capable of adjusting the level of pressure applied to said electrically conductive ring body, wherein the means for pressure application is not exposed to the space of performing said plasma processing.” None of the cited references, either individually or in combination, disclose or suggest at least this aspect of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Pages 3 and 5 of the final Office Action assert that measuring electrode 73 (and also presumably measuring electrode 18) of Tsukamoto corresponds to a means for pressure application of the claimed invention. Even assuming *arguendo* that this is true, Tsukamoto does not disclose or suggest that measuring electrode 18, 73 “is not exposed to the space of performing said plasma processing,” as Figs. 1, 2, and 4 disclose that a top portion of measuring electrode 18, 73 is exposed to the space of performing said plasma processing. Indeed, Tsukamoto teaches against such a configuration as, as set forth in independent claim 1, the measuring electrode is exposed to the plasma such that the measuring electrode can measure a self bias electrode potential near the object. Thus, to not expose measuring electrode 18, 73 would impermissibly rendering the invention of Tsukamoto unsatisfactory for its intended use. In re Gordon, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

With regard to the other rejections and claims, Applicants assert that the final Office Action has not shown how any combination of Hirano, Rossmann, Koshiishi remedy the aforementioned deficiencies of Tsukamoto as required to establish a case of *prima facie* obviousness. Accordingly, Applicants assert that claim 13 is patentable

for at least the reasons set forth above, and thus respectfully request withdrawal of the Section 103(a) rejection based on Tsukamoto, Hirano, Rossman, and Koshiishi.

Applicants further submit that claims 14-15 and 17-18 depend from independent claim 13, and is therefore allowable for at least the same reasons that the independent claim is allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references and therefore each also are separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 13-15 and 17-18 in condition for allowance. Applicants submit that the subject matter of the proposed amendments to claim 13 and new claims 17-18 do not necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

references cited against this application. Applicants therefore request the entry of this Amendment After Final, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the final Office Action.


In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If there is any fee due in connection with the filing of this Amendment After Final, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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